

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEWITT GILMORE,

Plaintiff,

-against-

SEAN COMBS, *et al.*,

Defendants.

24-CV-8440

ORDER OF SERVICE

J. PAUL OETKEN, United States District Judge:

Plaintiff DeWitt Gilmore, who is appearing *pro se*, brings this action invoking the Court’s diversity jurisdiction and asserting state law claims. He names as Defendants Sean Combs and Bad Boy Entertainment, Inc. By order dated February 6, 2025, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants. The Clerk of Court is further instructed to issue summonses and deliver

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within ninety days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until ninety days after the date any summonses issue.

to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within ninety days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue a summons for each Defendant, complete the USM-285 form with the address for each Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: February 24, 2025
New York, New York



J. PAUL OETKEN
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. Sean John Combs
Reg. No. 37452-054
Brooklyn MDC
80 29th Street
Brooklyn, NY 11232
2. Bad Boy Entertainment, Inc.
1710 Broadway, Floor 2
New York, NY 10019
3. Bad Boy Entertainment, Inc.
1440 Broadway, Floor 3
New York, NY 10018